

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

SVETLANA LOKHOVA,

Plaintiff,

vs.

**STEFAN A. HALPER, DOW JONES &
COMPANY, INC., THE NEW YORK
TIMES COMPANY, WP COMPANY,
LLC, NBCUNIVERSAL MEDIA LLC,
AND MALCOLM NANCE,**

Defendants.

Civil No.: 1:19-cv-00632-TSE-JFA

**MOTION OF DEFENDANT THE NEW YORK TIMES COMPANY
TO DISMISS AMENDED COMPLAINT**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and Local Civil Rule 7, Defendant The New York Times Company, by and through their undersigned counsel, hereby moves this Court for an Order dismissing the Amended Complaint in this action with prejudice for failure to state a claim upon which relief can be granted. The Amended Complaint purports to allege claims for defamation, common law conspiracy, and tortious interference against Defendant. These claims fail as a matter of law. As set forth more fully in the Memorandum of Law submitted in support of this Motion, the grounds for dismissal are:

1. Plaintiff's defamation claim is barred by the statute of limitations.
2. Plaintiff's defamation claim fails because the words at issue are not defamatory as a matter of law: they lack defamatory meaning; they are non-actionable expressions of subjective opinion; and they are not "of and concerning" plaintiff.

3. Plaintiff's conspiracy and tortious interference claims are barred by the First Amendment and plaintiff also has failed adequately to plead the elements of the claims.

The above are questions of law to be decided by this Court in the first instance. Because the defects in the Amended Complaint are fatal to Plaintiffs' *prima facie* case, her claims for defamation cannot be maintained.

Defendant respectfully requests a hearing on this matter.

WHEREFORE, Defendant respectfully requests that the Court enter an order granting the motion to dismiss and dismissing the Amended Complaint with prejudice.

Dated: September 12, 2019

Respectfully submitted,

/s/ John F. Hundley

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Attorneys for The New York Times Company

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of September, 2019, I electronically filed the foregoing Motion of Defendant The New York Times Company to Dismiss Amended Complaint with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record:

/s/ John F. Hundley
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